



(5) whether the case will require the testimony of expert witnesses; and

(6) whether the plaintiff can obtain and afford counsel on his own behalf.

*Id.* (citing *Tabron v. Grace*, 6 F.3d 147, 155-56, 157 n.5 (3d Cir. 1993)). The list of factors identified in *Tabron* is not exhaustive, but rather serves as a “guidepost” for district courts. *Id.* at 458. Moreover, courts must “exercise care in appointing counsel because volunteer lawyer time is a precious commodity and should not be wasted on frivolous cases.” *Id.* (citing *Tabron*, 6 F.3d at 157.)

In this case, Plaintiff asserts, pursuant to Title VII of the Civil Rights Act of 1964, that Defendants discriminated against him on the basis of his race. (Complaint, Doc. No. 1.) Specifically, Plaintiff claims that Defendants failed to provide him with a “safe, productive work environment where advancement in salary and rank is based on merit and not on race.” *Id.* Plaintiff also alleges that Defendants failed to “provide comparable pay for comparable time on the job and performing comparable/the same service.” Plaintiff further alleges that the person “in charge of conducting annual reviews is a racist white man and [Plaintiff is] a black man.” *Id.*

Analysis of the *Tabron* factors in this case weighs in favor of denying the appointment of pro bono counsel at this time. It is apparent from Plaintiff’s Complaint that he is able to articulate his legal claims. Plaintiff was also able to adequately prepare the pro bono counsel application. In addition, the legal issues here appear to be fairly straightforward. While some factual investigation may be necessary, it does not appear that Plaintiff is unable to conduct the investigation in this case. Although the Court may have to make some credibility determinations, it does not appear that Plaintiff will need expert testimony at this juncture. Lastly, Plaintiff does not set forth any independent efforts made to obtain an attorney, whether on a contingency fee basis or otherwise.

Accordingly, for the foregoing reasons, Plaintiff's application for appointment of counsel is denied, without prejudice to Plaintiff raising the issue again should circumstances change.

**ORDER**

IT IS ON THIS 23<sup>rd</sup> day of September, 2009,

ORDERED that Plaintiff Darren Jones's Application for Pro Bono Counsel is denied without prejudice.

s/ Michael A. Shipp

**MICHAEL A. SHIPP**

**UNITED STATES MAGISTRATE JUDGE**